

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT WALTER MOORE, :  
Plaintiff : CIVIL ACTION NO. 3:13-627  
v. :  
COMMONWEALTH : (MANNION, D.J.)  
OF PENNSYLVANIA, : (CARLSON, M.J.)  
Defendant :  
:

**ORDER**

Pending before the court is Judge Carlson's report and recommendation of March 11, 2013, (Doc. No. [4](#)), recommending that pro se plaintiff's complaint be dismissed without prejudice for failure to state a claim, and that plaintiff be afforded an opportunity to amend his complaint to state a claim on which relief may be granted.

The report recommends dismissal because plaintiff failed to state a claim for which relief may be granted, he has a state criminal case currently pending, and the Eleventh Amendment to the U.S. Constitution bars suits against the Commonwealth of Pennsylvania. Plaintiff, in an attempt to comply with and respond to the report, served several defendants with his original complaint, (Doc. Nos. [7](#), [8](#), [9](#), [10](#), [11](#), [12](#)), and submitted what has been deemed an objection to Judge Carlson's report. (Doc. No. [6](#)).

Although plaintiff has attempted to comply with Judge Carlson's report by serving defendants and responding to the report, he has failed to file an

amended complaint addressing the various defects described in Judge Carlson's report. Thus, the court will allow plaintiff one final opportunity to file an amended complaint.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** Judge Carlson's report will be **ADOPTED** and plaintiff's complaint will be **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file an amended complaint which complies with the following requirements:

1. The plaintiff shall file, on or before November 22, 2013, an amended complaint.
2. The plaintiff's amended complaint shall be complete, in and of itself, without reference to any prior filings.
3. The plaintiff's amended complaint shall include any and all defendants whom the plaintiff wishes to name in this action.
4. The plaintiff's amended complaint must include appropriate allegations of the defendant(s) personal involvement.
5. The plaintiff's amended complaint must specifically state which constitutional right he alleges the defendant(s) have violated.
6. In accordance with Fed.R.Civ.P. 8(a), the plaintiff's amended complaint shall set forth a short and plain statement of the grounds upon which the court's jurisdiction

- depends.
7. In accordance with Fed.R.Civ.P. 10(b), the plaintiff's amended complaint shall be divided into separate, numbered paragraphs, the contents of each of which shall be limited, as far as practicable, to a statement of a single set of circumstances.
  8. In accordance with Fed.R.Civ.P. 8(d), each averment of the plaintiff's amended complaint shall be simple, concise and direct.
  9. The plaintiff's amended complaint shall contain a short and plain statement of the claim for relief and a demand for specific judgment.
  10. Should the plaintiff fail to file his amended complaint within the required time period, or fail to follow the above mentioned procedures, this action will be dismissed with prejudice.
  11. The case is referred back to Judge Carlson for further proceedings.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: October 22, 2013**

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